

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MICHAEL J. COWPERTHWAITE,

:

Plaintiff(s)

:

Case Number: 1:01cv620-SJD-JS

vs.

:

District Judge Susan J. Dlott

CINCINNATI POLICE DEPARTMENT, et al,

:

Defendant(s)

:

ORDER

The Court has reviewed the Report and Recommendations of United States Magistrate Judge filed on July 29, 2003(Doc. 19), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired August 15, 2003, hereby ADOPTS said Report and Recommendations.

IT IS ORDERED AND ADJUDGED that defendants' motion for summary judgment be GRANTED in part and that judgment be entered in favor of defendants Cincinnati Police Department, Thomas Streicher, Jr. and Cincinnati Police Officer J. Dickman on plaintiff's claim that he was denied medical care. It is further ordered that plaintiff's claim of excessive force, brought against Police Officer John Doe be DISMISSED WITHOUT PREJUDICE, and that plaintiff's state law claims be DISMISSED WITHOUT PREJUDICE for lack of jurisdiction.

IT IS SO ORDERED.

____s/Susan J. Dlott_____
Susan J. Dlott
United States District Judge